UNITED STATES PATENT AND TRADEMARK OFFICE

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10/711,128	08/26/2004	Timothy Anderson	3518-2-1-B	5127

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EXAMINER
VEZERIS, JAMES A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10/5/2004</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>6-9 and 11-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>6-9 and 11-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

Pre-Exam Formalities

1.   Examiner acknowledges the preliminary amendment sent in on 10/05/2004.

2.   Claims 1-5, 10, and 31 have been cancelled as per the applicants request.

3.   Claim 6-9 and 11-30 are currently pending.

4.   Examiner notes that all phrasing in claims 6, 14, 15, and 24 before the term

"wherein the improvement" Is admitted prior art.

Specification Objections

5.   The specification is objected to because of the following informalities:

The term "Baesyian logic" is spelled numerous ways. Appropriate correction is required.

Claim Objections

6.   The claims are objected to because of the following informalities:

The term "Baesyian logic" is spelled numerous ways. Appropriate correction is required.

Claim Rejections- 35 U.S.C. 1st Paragraph

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention. It

is not explained how the method of claim 16 is made compatible with Cybertrader.

9.   Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention. Forecasting a specific price movement was not disclosed in

the specification.

Claim Rejections- 35 U.S.C. 103(a)

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 6-9,11, and 13-15, 17, 18, 20-22, 24-28 are rejected under 35 U.S.C.

103(a) as being unpatentable over USPG-Pub 2002/0082967 to Kaminsky et al.

(Hereinafter "Kaminsky") in view of admitted prior art.

Regarding Claim 6.

Kaminsky teaches setting an adjustable risk profile for said equity trade. (Summary of the invention)

Kaminsky fails to further teach a computer-implemented method for assisting in an equity trade in which a processor is executing instructions that perform the following acts: selecting from a group of mathematical operators to transform a set of arrays located in data storage; performing said mathematical operations of a set of arrays, such that preliminary data is produced; analyzing said preliminary data with a first set of Baeysian-logic functions, each with a corresponding adjustable weights; and determining a recommendation for said equity based on said Baesyian logic analysis, and reporting said recommendation to a user as output; and comparing an actual result for said equity to said recommendation and adjusting at least one of said Bayesian logic function corresponding weights for any future recommendation,

Given the verbage of the claim "a computer-implemented method for assisting in an equity trade in which a processor is executing instructions that perform the following acts: selecting from a group of mathematical operators to transform a set of arrays located in data storage; performing said mathematical operations of a set of arrays, such that preliminary data is produced; analyzing said preliminary data with a first set of Baeysian-logic functions, each with a corresponding adjustable weights; and determining a recommendation for said equity based on said Baesyian logic analysis, and reporting said recommendation to a user as output; and comparing an actual result for said equity to said recommendation and adjusting at least one of said Bayesian logic function corresponding weights for any future recommendation" is all admitted prior art.

It would be obvious for one skilled in the art to combine the admitted prior art with Kaminsky.

There is motivation to combine Kaminsky and the admitted prior art because it would allow the prior art to make a more informed decision using known risk minimization techniques.

Regarding Claim 7.

Kaminsky further teaches the content of said output further includes using actual dollar prices. (See Summary of the invention)

Regarding Claim 8.

Kaminsky further teaches said output includes forecasting a specific price movement for each stock. (p. 107)

Regarding Claim 9 and 20.

Kaminsky further teaches direction of movement, magnitude of movement, and confidence of movement. (p.107)

Regarding Claims 11 and 21 and 22 and 26 and 28.

Kaminsky further teaches said equity trade cannot be placed unless said confidence level is above a target level. (Abstract)

Regarding Claim 13 and 27.

Kaminsky further teaches said recommendation is reported to a third-party trading system, said third-party trading system capable of performing rolling-stop losses. (p. 37)

Regarding Claim 14.

Kaminsky teaches the improvement includes using interest rate data for said

stored data arrays. (p. 107)

A computer-implemented method for assisting in an equity trade in which a

processor is executing instructions that perform the following acts: selecting from a

group of mathematical operators to transform a set of arrays located in data storage;

performing said mathematical operations of a set of arrays, such that preliminary data is

produced; analyzing said preliminary data with a first set of baeysian-logic functions,

each with a corresponding adjustable weights; and determining a recommendation for

said equity based on said Baesyian logic analysis, and reporting said recommendation

to a user as output; and comparing an actual result for said equity to said

recommendation and adjusting at least one of said Bayesian logic function

corresponding weights for any future recommendation,

Given the verbage of the claim "a computer-implemented method for assisting in

an equity trade in which a processor is executing instructions that perform the following

acts: selecting from a group of mathematical operators to transform a set of arrays

located in data storage; performing said mathematical operations of a set of arrays,

such that preliminary data is produced; analyzing said preliminary data with a first set of

Baeysian-logic functions, each with a corresponding adjustable weights; and

determining a recommendation for said equity based on said Baesyian logic analysis,

and reporting said recommendation to a user as output; and comparing an actual result

for said equity to said recommendation and adjusting at least one of said Bayesian logic

function corresponding weights for any future recommendation" is all admitted prior art.

It would be obvious for one skilled in the art to combine the admitted prior art with

Kaminsky.

There is motivation to combine Kaminsky and the admitted prior art because it

would allow the prior art to make a more informed decision using known interest data.

Regarding Claim 15, 24, 25.

Kaminsky teaches the improvement includes setting an adjustable risk profile for

at least one equity trader and publishing stop loss and take profit levels generated by

executable instructions. (See Summary of the invention, p.37)

A computer-implemented method for assisting in an equity trade in which a

processor is executing instructions that perform the following acts: selecting from a

group of mathematical operators to transform a set of arrays located in data storage;

performing said mathematical operations of a set of arrays, such that preliminary data is

produced; analyzing said preliminary data with a first set of Bayesian-logic functions,

each with a corresponding adjustable weights; and determining a recommendation for

said equity based on said Bayesian logic analysis, and reporting said recommendation

to a user as output; and comparing an actual result for said equity to said

recommendation and adjusting at least one of said Bayesian logic function

corresponding weights for any future recommendation,

Given the verbage of the claim "a computer-implemented method for assisting in

an equity trade in which a processor is executing instructions that perform the following

acts: selecting from a group of mathematical operators to transform a set of arrays

located in data storage; performing said mathematical operations of a set of arrays,

such that preliminary data is produced; analyzing said preliminary data with a first set of

Baeysian-logic functions, each with a corresponding adjustable weights; and

determining a recommendation for said equity based on said Baesyian logic analysis,

and reporting said recommendation to a user as output; and comparing an actual result

for said equity to said recommendation and adjusting at least one of said Bayesian logic

function corresponding weights for any future recommendation" is all admitted prior art.

It would be obvious for one skilled in the art to combine the admitted prior art with

Kaminsky.

There is motivation to combine Kaminsky and the admitted prior art because it

would allow the prior art to limit the potential loss of investments.

Regarding Claim 17.

Kaminsky further teaches said set of arrays include data relating to interest rates.

(p. 107)

Regarding Claim 18.

Kaminsky further teaches said set of arrays include data relating to foreign equity

markets. (See p. 6) Examiner notes that foreign equity markets are not stated but it

would be obvious to allow the system to access a foreign exchange.

12.   Claims 12, 16, 19, 23, 29, and 30 is rejected under 35 U.S.C. 103(a) as being

unpatentable over US PG-Pub 2002/008296 to Kaminsky et al. (Hereinafter "Kaminsky")

in view of admitted prior art in further view of Official Notice.

Regarding Claim 12, 19, and 23.

Kaminsky fails to further teach said confidence data is normalized, such that it is scaled from 1 to 10.

Official Notice is taken that it is old and well known in the art to use a scale to state a confidence level.

It would be obvious to one skilled in the art at the time of the invention to combine Kaminsky, the admitted prior art and the Official Notice.

There is motivation to do so because it would allow the prior art to make a more informed decision using known risk minimization techniques.

Regarding Claim 16.

Kaminsky fails to teach said computer- implemented method is compatible with CYBERTRADER.

Official Notice is taken that it is old and well known in the art to use cyber trader to implement trading techniques.

It would be obvious to one skilled in the art at the time of the invention to combine Kaminsky, the admitted prior art and the Official Notice.

There is motivation to do so because it would allow the prior art to use a known system.

Regarding Claim 29.

Kaminsky fails to teach that a user can ignore profit data provided by said equity trading recommendation means.

It would be obvious to one skilled in the art at the time of the invention to combine Kaminsky, the admitted prior art and the Official Notice.

There is motivation to do so because it would allow the prior art to allow selective use of given information.

Regarding Claim 30.

Kaminksy fails to further teach said stop loss levels move upward or downward in proportion to the actual price movement of an equity.

It would be obvious to one skilled in the art at the time of the invention to combine Kaminsky, the admitted prior art and the Official Notice.

There is motivation to do so because it would allow the prior art to allow better margins of profit and risk protection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Vezeris whose telephone number is 571-270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/   James Vezeris
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                                                     571-270-1580

5/7/2008